

Remarks

Claims 1-65 are pending in the present application. Claims 39 and 46-65 have been withdrawn from consideration.

The Examiner has rejected claims 3, 5, 10, 13-15, 18, 20, 23, 37, 41, and 42 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, the Examiner has noted that a number of terms lack a clear antecedent basis in the claims. The claims have now been amended accordingly and it is submitted that the rejection under 35 USC 112, second paragraph should now be withdrawn.

The Examiner has also rejected claims 1-6, 20, 21, 27, 32, 44 and 45 under 35 USC 102(b) as being anticipated by US Patent 5,590,624 to Edmond et al. (hereinafter Edmond). It is respectfully submitted that independent claims 1, 27, 32 and 44, as amended, now distinguish over Edmond. More particularly, the independent claims as amended require that the diverting surfaces be disposed at an angle to the axis of the fan so as to closely match the natural discharge angle of the fan. Edmond discloses no such structure. In Edmond the fan 48 is an axial or mixed flow fan and the diffuser 65 and noise barrier 46 serve to impart a radial velocity to the air discharging from the fan (see column 3, lines 30-67). Accordingly, the diverting surfaces of Edmond are not disposed an angle to the fan axis that closely matches the natural discharge angle of the fan as claimed. By doing so the present invention maintains air discharged from the fan at a higher velocity than otherwise. In Edmond at column 3, lines 43-45 it is specifically stated that the device uniformly decelerates or diffuses flow exiting the fan. Edmond further specifically teaches that the diffuser and noise barrier are configured to change the direction of cooling air flow from axial to radial (see column 3, lines 63-67). It is therefore submitted that claims 1, 27, 32 and 44 as well as the claims that depend therefrom are patentably distinct from Edmond.

The Examiner has also rejected claims 27, 29 and 31 under 35 USC 102(e) as being anticipated by US Published Patent Application 2003/0136544 to Albright et

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al. (hereinafter Albright). It is respectfully submitted that independent claim 27 distinguishes over Albright. More particularly, claim 27 requires that the diverting surface of the fan shroud extends from the circumferential wall opposite the main body portion. This is best illustrated in Fig. 5 of the present application which clearly shows that the main body 24 of the shroud 16 extends from one side of the circumferential wall 30 while the diverting surface 32 extends from the circumferential wall 30 so that it is opposite to the main body 24. This is not the case in Albright as clearly shown in Fig. 9. In Albright the main body 66, 69, as defined by the Examiner, is not opposite the diverting surface as claimed. It is therefore submitted that claim 27 as well as the claims that depend therefrom are patentably distinct from Albright.

The Examiner has also rejected claims 7 - 14, 16, 17, 22 - 24, 26, 28, 30, 34 - 36, 38, 40 and 43 under 35 USC 103(a) as being unpatentable over Edmond or Albright in view of various references. For the reasons set forth above with respect to the independent claims and the Edmond and Albright references it is submitted that claims 7 - 14, 16, 17, 22 - 24, 26, 28, 30, 34 - 36, 38, 40 and 43 are also in condition for allowance.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Should the Examiner believe that a telephonic conference would be useful in furthering the present application toward allowance, the undersigned attorney would welcome such a call.

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Respectfully,


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